

1 M. PATRICIA THAYER (SBN 90818)
pthayer@sidley.com
2 AARON R. BLEHARSKI (SBN 240703)
ableharski@sidley.com
3 SIDLEY AUSTIN LLP
555 California Street
4 San Francisco, California 94104
Telephone: (415) 772-1200
5 Facsimile: (415) 772-7400

6 SANDRA S. FUJIYAMA (SBN 198125)
sfujiyama@sidley.com
7 SAMUEL N. TIU (SBN 216291)
stiu@sidley.com
8 TASHICA T. WILLIAMS (SBN 256449)
ttwilliams@sidley.com
9 SIDLEY AUSTIN LLP
555 West Fifth Street, Suite 4000
10 Los Angeles, California 90013
Telephone: (213) 896-6000
11 Facsimile: (213) 896-6600

12 ROBERT A. VAN NEST (SBN 84065)
rvannest@kvn.com
13 ASHOK RAMANI (SBN 200020)
aramani@kvn.com
14 NIKKI K. VO (SBN 239543)
nvo@kvn.com
15 SARA B. FAULKNER (SBN 263857)
sfaulkner@kvn.com
16 KEKER & VAN NEST LLP
710 Sansome Street
17 San Francisco, CA 94111-1704
Telephone: (415) 391-5400
18 Facsimile: (415) 397-7188

19 Attorneys for Plaintiff
20 GENENTECH, INC.

GARY N. FRISCHILING (SBN 130583)
gfrischiling@irell.com
JASON SHEASBY (SBN 205455)
jsheasby@irell.com
THOMAS JACKMAN (SBN 267504)
tjackman@irell.com
IRELL & MANELLA LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, California 90067-4276
Telephone: (310) 277-1010
Facsimile: (310) 203-7199

SANDRA HABERNY, PHD (SBN 260977)
shaberny@irell.com
IRELL & MANELLA LLP
840 Newport Center Drive, Suite 400
Newport Beach, California 92660-6324
Telephone: (949) 760-0991
Facsimile: (949) 760-5200

Attorneys for Defendant
THE TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA

21 **UNITED STATES DISTRICT COURT**
22 **NORTHERN DISTRICT OF CALIFORNIA**
23 **SAN JOSE DIVISION**
24
25
26
27
28

1 GENENTECH, INC.,

2 Plaintiff,

3 vs.

4 THE TRUSTEES OF THE UNIVERSITY OF
5 PENNSYLVANIA, a Pennsylvania non-profit
corporation,

6 Defendant.

) Case No: 5:10-CV-2037-LHK (PSG)
)

) **JOINT STIPULATION AND**
) **~~PROPOSED~~ ORDER REGARDING**
) **TECHNICAL EXPERTS DURING**
) **CLAIM CONSTRUCTION**

) **Hearing Date:** December 8, 2010

) **Time:** 2:00 p.m.

) **Judge:** Hon. Lucy H. Koh
)

1 WHEREAS defendant the Trustees of the University of Pennsylvania (“the University”) and
2 plaintiff Genentech, Inc. (“Genentech”) have met and conferred regarding the use of technical expert
3 testimony in connection with claim construction in this matter;

4 THE PARTIES THEREFORE AGREE as follows:

- 5 1. The parties will meet and confer by Tuesday, December 14, 2010, to further explain
6 the technical expert subjects to be addressed by each party.
 - 7 2. The parties will simultaneously exchange technical expert declarations on January 7,
8 2011.
 - 9 3. The depositions of the technical experts will be conducted thereafter and will be
10 concluded by February 4, 2010.
 - 11 4. The parties jointly request that the Court reset the filing date for the Joint Claim
12 Construction and Prehearing Statement, currently December 21, 2010, to January 7,
13 2011.
 - 14 5. The parties will not call technical experts at the Markman hearing to give live
15 testimony, unless the Court so requests.
 - 16 6. The remaining dates set by the Court in the initial case management order or in
17 subsequent orders should remain unchanged.
- 18
19
20
21
22
23
24
25
26
27
28

1 SO STIPULATED:

2
3 Respectfully submitted,

4 Dated: December 8, 2010

SIDLEY AUSTIN LLP

5
6
7 By: /s/
M. PATRICIA THAYER

8 Attorneys for Plaintiff GENENTECH, INC.

9
10 Dated: December 8, 2010

IRELL & MANELLA LLP

11
12 By: /s/
13 GARY N. FRISCHLING¹

14 Attorneys for Defendants THE TRUSTEES OF
15 THE UNIVERSITY OF PENNSYLVANIA.

16
17
18
19
20
21
22
23
24
25
26
27 ¹ Pursuant to General Order 45(X), the filer of this document hereby attests that concurrence in the filing of the
28 document has been obtained from Gary N. Frischling.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:

1. The filing date for the Joint Claim Construction and Prehearing Statement, currently set for December 21, 2010, is reset for January 7, 2011.

SO ORDERED.

Dated: December 10, 2010



LUCY H. KOH
United States District Judge